

Article - Health - General

[\[Previous\]](#)[\[Next\]](#)

§7-503.

(a) Within 21 days after the admission of an individual to a State residential center, a hearing officer of the Department shall hold a hearing on the admission in accordance with the rules and regulations that the Secretary adopts.

(b) Written notice of the admission of an individual and of the date, time, and place of the individual's hearing on admission shall be given:

(1) On admission, to the individual; and

(2) As soon as possible, but not later than 5 days after the admission, to legal counsel for the individual and to the proponent of admission.

(c) The notice also shall state:

(1) The name of each proponent of the admission;

(2) The right of the individual who has been admitted:

(i) To consult with and be represented by a lawyer; and

(ii) To call witnesses and offer evidence at the hearing on admission;

(3) The availability of the services of the legal aid bureaus, lawyer referral services, and other agencies that exist for the referral of individuals who need legal counsel;

(4) The rights of individuals with developmental disability under Subtitle 10 and § 7-1102 of this title; and

(5) The rights of individuals to release under §§ 7-506, 7-507, and 7-508 of this subtitle.

(d) The Department shall prepare and provide each State residential center with standard forms that set forth, in clear and simple words, the notice provisions of this section.

(e) (1) At the hearing, in order to certify the admission of the individual, it must be affirmatively shown by clear and convincing evidence that the conclusions leading to the decision to admit the individual are supported by the following findings:

(i) The individual has an intellectual disability;

(ii) The individual needs residential services for the individual's adequate habilitation; and

(iii) There is no less restrictive setting in which the needed services can be provided that is available to the individual or will be available to the individual within a reasonable time after the hearing.

(2) If the hearing officer shall find from the admissible evidence that the conclusions leading to the admission are not proved, the hearing officer shall so certify and the individual shall be released from the State residential center.

(3) If the hearing officer shall find from clear and convincing evidence that all of the admission requirements have been proved, the hearing officer shall so certify and the individual's admission shall be considered approved.

(4) If the hearing officer certifies the admission of an individual to a State residential center, the hearing officer shall, at the conclusion of the hearing, write on the certification form any additional services of habilitation that are not included in the evaluation report, but that the hearing officer finds from the evidence are needed by the individual.

(5) If the hearing officer certifies the admission of an individual to a State residential center, the hearing officer shall, at the conclusion of the hearing, advise that individual and the legal counsel of the individual's right to seek judicial release from the State residential center under § 7–507 of this subtitle. The hearing officer shall also advise that individual and the legal counsel of:

(i) The individual's rights under the appeal provisions of §§ 10–222 and 10–223 of the State Government Article; and

(ii) The individual's right to file a petition for habeas corpus under § 7–506 of this subtitle.

[\[Previous\]](#)[\[Next\]](#)